

Whale Fisheries (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Prohibition of exercise of whaling industry without licence.
2. Granting of licences by the fishery authority on certain conditions.
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TO

Regulate Whale Fisheries in Ireland.

A.D. 1908.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. No person shall, in any part of Ireland, land any whale, or engage in any way in the manufacture from whales of oil or other primary products, without a licence granted and issued subject to the conditions herein-after provided, and any person acting in contravention of this section shall be guilty of an offence under this Act, and shall be liable on summary conviction to a penalty not exceeding *five hundred pounds*.

Prohibition of exercise of whaling industry without licence.

2. It shall be lawful for the fishery authority to issue licences under this Act, subject to the following conditions:—

Granting of licences by the fishery authority on certain conditions.

(1) A person applying to the fishery authority for a licence shall, at least two months before making such application, publish notice thereof once in each of two consecutive weeks with an interval between each publication of not less than six days in one or more newspaper or newspapers circulating in the district in which the factory or station existing or to be erected is situate: Such notice shall state the name and address of the applicant, and shall contain a description of the site or intended site of the factory or station where the process of manufacture as aforesaid is to be conducted:

(2) It shall be lawful for the council of any county, county district, or county borough in which the factory or station existing or to be erected is situate, or for any person

[Bill 252.]

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interested, within fourteen days after the publication of such notice as aforesaid, to lodge with the fishery authority objections to the granting of any such licence, and the fishery authority shall consider any such objections, and, after such inquiry, if any, as they may think necessary, shall grant or refuse such licence :

- (3) Each licence shall contain a description of the site of the factory or station erected or proposed to be erected as aforesaid, and no such factory or station shall be removed from the site in the said licence described to any other site unless and until such other site shall have been approved by the fishery authority and their approval shall have been endorsed on the licence :
- (4) The licence shall specify the number of whaling steamers (not exceeding three) that may be used or employed by the holder, and no whaling steamer in excess of the number specified in the licence shall be used or employed by the holder :
- (5) No licence shall be granted except to a British subject or to a company registered in Great Britain :
- (6) The fishery authority may at any time, on the application of the holder of a licence, cancel the licence ; but it shall not be lawful to transfer or assign any licence without the consent of the fishery authority, and any transfer or assignment shall be endorsed upon the licence :
- (7) There shall be paid to the fishery authority in respect of every licence issued under the provisions of this Act a sum of *two hundred pounds* if the licence authorises the use or employment of three whaling steamers, the sum of *one hundred and fifty pounds* if the licence authorises the use or employment of two whaling steamers, and the sum of *one hundred pounds* if the licence authorises the use or employment of one whaling steamer, and such sum shall be paid to the fishery authority on the issue of the licence and thereafter annually during its continuance :
- (8) Every licence shall be subject to all the conditions contained in this Act, or any byelaw made in pursuance of this Act, and it shall be lawful for the fishery authority, in the event of the infringement

of any such condition by the holder of a licence, or of the conviction of such holder or any person employed by him, of an offence under this Act, or under any byelaw made in pursuance of this Act, without compensation to cancel any licence or to suspend any licence for a specified period.

A.D. 1906.

3.—(1) No holder of a licence or person employed by him shall in the prosecution of the whaling industry use any vessel, other than the whaling steamer from or by which a whale shall have been captured or killed, for the purpose of bringing or towing such whale to or towards any factory or station for manufacture.

Offences by
holder of
licence and
others.

(2) Every whaling steamer employed by the holder of a licence shall carry such distinctive mark as the fishery authority, with the consent of the Board of Trade, may from time to time prescribe, and such mark shall be specified in the licence.

(3) No holder of a licence or person employed by him shall use, in the pursuit or capture of whales, any method or contrivance which does not include a harpoon with a whaling line attached thereto, and fixed or fastened to the whaling steamer from which the whale is captured or killed.

(4) No person shall pursue, kill, or shoot at any whale within three miles of low-water mark of any part of the coast of Ireland, and no holder of a licence or person employed by him shall pursue, kill, or shoot at any whale within the distance of one mile from any boat or vessel lying at anchor or engaged in fishing.

(5) No holder of a licence or person employed by him shall pursue, kill, or shoot whales between *the first day of November* in any year and *the thirty-first day of March* in the year following, both days inclusive; or during such other period of the year (not exceeding five weeks) within such distance (not exceeding twenty miles) of any particular part of the coast of Ireland as may be prescribed by the fishery authority.

(6) In this section the expression "mile" means a nautical mile.

(7) Any person acting in contravention of this section shall be guilty of an offence under this Act.

(8) Where a whale which has been lawfully shot at and struck shall carry with it a fixed line within an area prohibited in terms of this section, nothing in this section contained shall make it unlawful to continue the pursuit of such whale and to kill it in such area.

A.D. 1903.

Inspection
of whaling
factories, &c.

4.—(1) Holders of licences and all persons employed by them shall give all reasonable facilities for inspection by the fishery authority and the officers of that authority of all factories or stations and vessels employed by the holders of licences, and shall make such returns on any matter connected with their whaling business as the fishery authority may from time to time prescribe, and if required by the fishery authority shall verify such returns by statutory declaration.

(2) *The expenses incurred in any year by the fishery authority in the execution of this Act shall, to the amount approved by the Treasury, be paid out of moneys provided by Parliament.*

Saving for
certain
whales and
whaling in-
dustries.

5.—(1) Nothing in this Act contained shall make it unlawful for any person to drive ashore and appropriate, sell, or otherwise make use of the smaller whales known as bottle-nose and caa-ing whales, or to appropriate, sell, or otherwise make use of such whales as he may find dead, whether floating on the sea or stranded on the shore.

(2) Nothing in this Act contained shall make it unlawful for any person to pursue any of the whaling industries commonly followed in Arctic or Antarctic waters, or to engage in the manufacture of oil or other products from whales captured in the exercise of any such industry.

Penalties.

6. Any person guilty of an offence under this Act shall, save as otherwise provided, be liable on conviction to a penalty not exceeding *one hundred pounds*.

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Byelaws.

7.—(1) The fishery authority may make byelaws for all or any of the following purposes, that is to say—

(a) Prohibiting the use of any engine or implement in the pursuit, capture, or towing of whales, or any method of whaling which is in the opinion of that authority injurious to fisheries;

(b) Regulating the methods of manufacturing oil or other products from whales and the disposal of refuse;

and save as otherwise provided by this Act the provisions with respect to byelaws contained in the Fisheries (Ireland) Act, 1842, (including penal provisions) shall apply with the necessary modifications to every such byelaw.

5 & 6 Vict.
c. 106.

(2) By any byelaw made under this section the fishery authority may impose a fine for the breach of any such byelaw not exceeding *ten pounds* for any one offence and may direct

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the forfeiture or destruction of any engine or implement used or attempted to be used in contravention of any such byelaw, and every rope, line, tackle, warp, iron and other thing attached to or used with such engine or implement. A.D. 1908.

- 5 (3) Any engine, implement, rope, line, tackle, warp, iron or other thing which is under any such byelaw liable to be forfeited or destroyed may be seized by any duly authorised officer of the fishery authority or any officer appointed by the fishery authority for the purposes of the Fisheries (Ireland) Act, 1842, and shall
10 when seized be dealt with in the manner provided by section one hundred and three of the said Act, and for the purpose of such seizure any such officer may go on board any vessel engaged in whaling. 5 & 6 Vict. c. 106.

- 8.—(1) All offences under this Act may be prosecuted, and
15 all penalties, costs, or expenses imposed or recoverable under this Act may be recovered in a summary manner, and a summons in respect of any such offence may be served upon the person to whom it is directed in any part of the United Kingdom. Legal proceedings and application of fees and penalties.

- (2) Section eighty-nine (which relates to the powers of officers) and section ninety-six (which relates to the jurisdiction of magistrates of maritime counties) of the Fisheries (Ireland) Act, 1842,
20 shall apply, with the necessary modifications, for the purposes of this Act. 5 & 6 Vict. c. 106.

- (3) All licence fees, penalties, and moneys paid or recovered
25 under this Act shall, notwithstanding any provision in any other Act, be paid to the fishery authority, and shall be applied by that authority for the purposes of sea fisheries as defined by the Agriculture and Technical Instruction (Ireland) Act, 1899, or any Act amending that Act. 62 & 63 Vict. c. 50.

9. In this Act the expression "whaling steamer" includes
30 any ship used for the purpose of capturing or killing whales, whether propelled by steam power or otherwise; and the expression "fishery authority" means the Department of Agriculture and Technical Instruction for Ireland; and the expressions "county district" and "county borough" have the same meanings respectively as in the Local Government (Ireland) Act, 1898. Interpretation. 61 & 62 Vict. c. 37.

- 10.—(1) This Act shall apply to Ireland only and shall
come into operation on the first day of January nineteen hundred and nine. Application, commencement, and short title.

- 40 (2) This Act may be cited as the Whale Fisheries (Ireland) Act, 1908.